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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,053	08/30/2006	Shunji Ota	036910-0118	4619

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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03/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,053

Applicant(s)

OTA ET AL.

Examiner

TRAVIS R. HUNNINGS

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20060830.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. (Kulha; US Patent 5,973,611) in view of Nykerk (US Patent 4,897,630) and further in view of Barnum (US Patent 4,193,055).

Regarding claim 1, Kulha discloses *Hands-Free Remote Entry System* that has the following claimed limitations:

The claimed Doppler sensor that detects a moving object is met by the Doppler sensors (column 3, lines 17-20);

The claimed communication means that is capable of communicating with the outside of the communication means is met by the transmitter (column 3, lines 24-30);

The claimed authentication processing means that performs when the control means judges that a human is approaching, communication between the communication means and a portable terminal carried by a user is met by the device transmitting signals after detection of an approaching object (column 3, lines 24-30 and column 5, lines 4-16);

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The claimed reading out portable terminal side ID information capable of specifying the user registered in advance in the portable terminal is met by the key FOB transmitting an ID code (column 3, line 66 - column 4, line 1);

The claimed collating intruder detecting apparatus side ID information capable of specifying the user registered in advance in the intruder detecting apparatus and the portable terminal side ID information to thereby identify whether the object is the user is met by the device unlocking the doors through ID comparison (column 5, lines 4-16).

However, Kulha does not specifically disclose the claimed control means giving an execution instruction for the threatening processing to the threatening execution means on the basis of moving object information indicating whether the intruder detecting apparatus side ID information and the portable terminal side ID information coincide with each other. Nykerk discloses *Programmable Alarm System Having Proximity Detection With Vocal Alarm And Reporting Features* that teaches initiating an alarm when an intrusion into a monitored area is detected (column 4, lines 34-56). Adding an alarm to Kulha that is given to a person entering the area around the vehicle and not having the correct FOB to unlock the vehicle would increase the overall security of the device by deterring theft and vandalism. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Kulha according to the teachings of Nykerk to include a vocal alarm that is activated when an unauthorized object enters the area surrounding the vehicle.

Kulha and Nykerk still do not specifically disclose the claimed control means that judges whether an approaching object is a human on the basis of a result of the

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detection of the Doppler sensor. Barnum discloses *Automatic Sensitivity Level Adjustment* that teaches using a Doppler sensor to detect the motion of a human in an area (column 4, lines 21-52). Adding this sensitivity to humans in Kulha and Nykerk would allow the device to avoid false alarms/warnings by filtering out non-human objects such as leaves and animals. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Kulha and Nykerk according to the teachings of Barnum to judge whether the approaching object is a human based on the Doppler sensor.

Regarding claims 2, 5 and 6, the claims are interpreted and rejected as claim 1 stated above.

Regarding claims 3 and 7, the claimed intruder threatening apparatus being mounted on a vehicle is met by the vehicle of Kulha as seen in figure 2.

Regarding claims 4 and 8, the claimed apparatus characterized by detecting, using the Doppler sensor, a relative movement caused between an object around a vehicle and the vehicle when a specific operation is applied to the vehicle is met by the movement and ID checking being initiated when an object is detected around the vehicle and the user is reaching for the door handle of the vehicle (Kulha: column 5, lines 4-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVIS R. HUNNINGS whose telephone number is (571)272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George A. Bugg can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRH

George Bugg / Primary Examiner
